

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4453 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UMRAVSINGH S YADAV

Versus

COMMANDANT, S.R.P. GROUP II, AHMEDABAD

Appearance:

MR PC KAVINA for the Petitioner

MR DA BAMBHANIA for the Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/08/96

ORAL JUDGEMENT

1. The petitioner has made the challenge to the order of the respondent dated 23rd May, 1995 under which he was ordered to be placed under suspension. The petitioner is a constable in the State Reserve Police. The suspension has been made in contemplation of the departmental inquiry. The counsel for the petitioner on the other hand contended that it was by way of penalty. In the order of the suspension, it is true it is not been

mentioned that it has been made in contemplation of the departmental inquiry, but the respondents have come up with a case that it is in contemplation of the departmental inquiry. The counsel for the petitioner does not dispute that the respondent has a power to place the petitioner under suspension in contemplation of departmental inquiry under the provisions of the Bombay Police (Punishment and Appeal) Rules, 1976. Looking to the charges which have been given out in the order of suspension and in the absence of any allegations of malafides, the action of the authority which made the order seems to be legal. I do not find that the respondent has committed any illegality which calls for interference of this court in passing of the order dated 23rd May, 1995.

2. The counsel for the respondent makes a statement before this Court that the petitioner has already been served with the chargesheet vide memo dated 24-11-95, but the inquiry could not have been further proceeded as this petition is pending before this Court. In case, the employee has been placed under suspension in contemplation of the departmental inquiry then the inquiry should have been completed within a reasonable time, but here is a case where the chargesheet itself has been given to the petitioner after about eight months of the order of suspension and by now more than ten months have already been passed, but the inquiry has not been proceeded.

3. In the result, this Special Civil Application fails and the same is dismissed. The order of suspension dated 23rd May, 1995 is held to be valid. However, the respondent is directed to complete the inquiry against the petitioner within a period of six months from the date of receipt of certified copy of this order. Rule is discharged subject to the aforesaid direction.

zgs/-